

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
THURSDAY, JULY 27, 2006
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD – AUGUST 2, 2006**

MEETING MINUTES – DRAFT

Present: Carol Pillsbury, Rick Doughty, Paul Knowlton, Steve Leach

Staff: Drexell White, Dawn Kinney

AAG: Laura Yustak Smith, Jeremy Eggleton (law student intern)

Guest: Karen Boston

1. Call To Order: The meeting was called to order at 1:13 p.m.

A. Additions/Deletions to the Agenda

- **Application - Patricia Houde**
- **Application – Subject of Case 02-01**
- **Other - United Ambulance – Bridgton**

2. Investigations – Executive Session

The committee entered executive session for the purpose of negotiating a consent agreement with Karen Boston, attorney for the licensee-subject of case 06-02.

Laura Yustak Smith requested of Mrs. Boston that Jeremy Eggleton, a law student interning at the Attorney Generals Office be allowed to participate in the proceedings. Mr. Eggleton had signed a confidentiality agreement with the AG's office as part of the internship. Mrs. Boston had no objection Mr. Eggleton's participation.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of negotiating a Consent Agreement Inre: case 06-02 and 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Knowlton - motion carries)

The committee entered executive session at 1:14 p.m.

Committee member Steve Leach joined the executive session at 1:16 p.m. and was informed of what had been presented prior to his arrival.

The committee took a break at 2:10 p.m. and resumed at 2:14 p.m. The committee exited executive session at 2:35 p.m.

Laura Yustak Smith will incorporate the Consent Agreement modifications - discussed by the committee in executive session – in a revised agreement that will be forwarded to Mrs. Boston for her and her client's review.

2. Applications

A. James Rogers – Informal Review

The Committee conducted an informal review with applicant James Rogers concerning his conviction on or about October 18, 2002 for Reckless Conduct, Class D and his failure to disclose the conviction on his January 26, 2005 application for an Emergency Medical Technician – Basic license.

The Committee reviewed documents provided by the applicant and Maine EMS, heard from the applicant about the criminal conduct and his efforts at rehabilitation, and received a verbal recommendation from Ron Jones, Director of Westbrook EMS, who accompanied Mr. Rogers to the informal review.

Motion: That applicant James Rogers failure to disclose an October 18, 2002 conviction for Reckless Conduct, Class D, in violation of 17-A M.R.S.A. §211(1) constitutes a violation of Maine EMS Rules (dated July 1, 2003) Chapter 11 §1.1 – Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; that the underlying conduct that led to Applicant's conviction for Reckless Conduct constitutes a violation of §1.5 – Acting in ways that are dangerous or injurious to the licensee or other persons; that mitigating circumstances exist in that applicant has provided information that demonstrates sufficient rehabilitation to warrant the public trust, Applicant is actively involved in and voluntarily attends support programs on a regular basis, Applicant has no other convictions or pending charges since the 2002 conviction, Applicant has experienced a loss of income due to the amount of time the licensing review has taken and that Applicant has been cooperative with the committee and has the recommendation of his EMS service director; that the Committee proposes to resolve the matter by consent agreement; that terms of the Consent Agreement include that Applicant is fined \$100.00, all suspended, for failure to disclose the criminal conviction; That, for Applicant's underlying conduct that led to the conviction for Reckless Conduct, Applicant will report any criminal charge filed against him in any state or Federal Court and that if charges are filed against him in any state or Federal court, he will immediately surrender any license issued by Maine EMS; and that the terms of the agreement are for 4 years. (Doughty; Leach – motion carries).

Committee member and Board Chair Steve Leach thanked Mr. Rogers for his cooperation and apologized on behalf of the Board for the inordinate amount of time taken by Maine EMS to review and act upon the license application.

B. Matthew Quinn – Informal Review

The Committee conducted an informal review with applicant Matthew Quinn concerning his conviction on or about September 28, 2005 for Assault, Class D, that he had disclosed on his February 23, 2006 Emergency Medical Technician – Basic license application.

The Committee reviewed documents provided by the applicant and Maine EMS and heard from the applicant about the criminal conduct and his efforts at rehabilitation.

Motion: That Applicant Matthew Quinn's conduct that led to his September 28, 2005 conviction for Assault, Class D in violation of 17-A M.R.S.A. §207 (1)(A) constitutes a violation of §1.5 – Acting in ways that are dangerous or injurious to the licensee or other persons; that the Committee finds no aggravating circumstances; that mitigating circumstances exist in that Applicant demonstrated that he has been sufficiently rehabilitated to warrant the public trust, there was no injury that occurred as a result of Applicant's conduct, Applicant expressed remorse for his actions, Applicant has taken multiple positive steps in self improvement, and Applicant has cooperated with the Committee in this matter. Therefore, the Committee finds that Applicant has demonstrated rehabilitation sufficient to warrant the public trust, through his actions following the offense date, and that applicant be issued a Maine EMS license (Doughty; Leach)

C. Patricia Houde

The Committee reviewed information provided by applicant Patricia Houde concerning her conviction on or about June 29, 2004, for misdemeanor Assault in New Hampshire, that she had disclosed on her June 16, 2006 Emergency Medical Technician – Basic license application.

The Committee reviewed documents provided by the applicant and Maine EMS and considered the circumstances of the conviction.

Motion: That Applicant Patricia Houde receive a Letter of Guidance concerning her 2004 Assault conviction; that the term of the Letter of Guidance is 3 years; and that a Maine EMS license be issued concurrent with the Letter of Guidance (Doughty; Knowlton – motion carries).

D. Subject of Case 02-01

Staff reported that a license application had been received from the subject of Case 02-01. Committee members were informed that case 02-01 was closed by the committee with the caveat that if a license application were received from the subject, the case would be reopened and information from the investigation would be considered in the licensing decision.

The committee subsequently referred the application to staff for action.

E. United Ambulance Service

The committee discussed United Ambulance Service - Bridgton, Maine concerning the service's use of an unlicensed person to respond on medical assistance calls on behalf of the service. It was noted by staff that this is a first offense for the service and that the service has taken administrative steps to ensure no recurrence of unlicensed practice.

Motion: That United Ambulance Service, Maine EMS license # 703 engaged in conduct that constitutes a violation of Maine EMS Rules, Chapter 11§1.34 – Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A. Chapter 2-B; that the violation is based upon Licensee allowing a service member whose license expired on February 28, 2006 to continue practicing until March 31, 2006; that mitigating circumstances exist in that the violation is a first offense for Licensee, no information was found to indicate patient harm and Licensee has instituted an EMS license tracking database to ensure no recurrence of unlicensed practice. Therefore, the committee directs that this matter be resolved through a Letter of Guidance to Licensee that will be retained in Licensee's file for a period of 3 years (Doughty; Knowlton – motion carries).

Next Meeting

The next meeting is scheduled for Thursday, August 17, 2006 at 9:30 a.m.

3. Adjourn – The meeting was adjourned at 4:26 p.m.

Respectfully submitted,

Drexell White